

CITY OF MERCED
Planning Commission

Resolution #4136

WHEREAS, the Merced City Planning Commission at its regular meeting of , July 3, 2024, held a public hearing and considered **Vesting Subdivision Map #1331**, initiated by Anthony Sutter, on behalf of Mi Ok Kim, property owner. This application involves the subdivision of approximately 3.35 acres (currently two parcels) into 14 single-family lots ranging in size generally between 6,979 square feet and 9,826 square feet. These properties are generally located on the east side of Massasso Street approximately 400 feet north of California State Highway 140, within an R-1-6 (Low Density Residential) Zone with a Low Density Residential (LD) General Plan Designation; also known as Assessor's Parcel Numbers 059-330-026 and 059-581-040; and,

WHEREAS, the Merced City Planning Commission concurs with Findings A through O of Staff Report #24-497; and,

NOW THEREFORE, after reviewing the City's Draft Environmental Determination, and fully discussing all the issues, as part of Environmental Review #24-11, the Merced City Planning Commission does resolve to hereby find that the project is exempt from the California Environmental Quality Act (CEQA) based on Section 15332 of CEQA and does adopt a Categorical Exemption and approves Vesting Tentative Subdivision Map #1331, subject to the Conditions set forth in Exhibit A and supported by the Findings and Considerations listed in Exhibit B attached hereto and incorporated herein by this reference.

Upon motion by Commissioner _____, seconded by Commissioner _____, and carried by the following vote:

AYES: Commissioner(s)
NOES: Commissioner(s)
ABSENT: Commissioner(s)
ABSTAIN: Commissioner(s)

PLANNING COMMISSION RESOLUTION #4136

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July 3, 2024

Adopted this 3rd day of July, 2024

Chairperson, Planning Commission of
the City of Merced, California

ATTEST:

Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B – Findings and Considerations

Conditions of Approval
Planning Commission Resolution #4136
Vesting Tentative Subdivision Map # 1331

1. The proposed project shall be constructed/designed as shown on (Proposed Vesting Tentative Map) - Attachment C of Staff Report #24-497, subject to conditioned changes.
2. All conditions contained in Resolution #1175-Amended ("Standard Tentative Subdivision Map Conditions") shall apply.
3. The proposed project shall comply with all standard Municipal Code, Fire Code and Subdivision Map Act requirements as applied by the City Engineering and Fire Departments.
4. All other applicable codes, ordinances, policies, etc., adopted by the City of Merced shall apply.
5. Community Facilities District (CFD) formation is required for annual operating costs for police and fire services as well as operating and maintenance costs of storm drainage, public landscaping, street trees, streetlights, parks and open space. CFD procedures shall be initiated before Final Map approval. Developer/Owner shall submit a request agreeing to such a procedure, waiving right to protest and post deposit as determined by the Development Services Director to be sufficient to cover procedure costs and maintenance costs expected prior to first assessments being received.
6. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend, and hold harmless the City, or any agency or

instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend (with counsel selected by the City) such governmental entity. City shall promptly notify the developer/applicant of any claim, action, suits, or proceeding. Developer/applicant shall be responsible to immediately prefund the litigation cost of the City including, but not limited to, City's attorney's fees and costs. If any claim, action, suits, or proceeding is filed challenging this approval, the developer/applicant shall be required to execute a separate and formal defense, indemnification, and deposit agreement that meets the approval of the City Attorney and to provide all required deposits to fully fund the City's defense immediately but in no event later than five (5) days from that date of a demand to do so from City. In addition, the developer/applicant shall be required to satisfy any monetary obligations imposed on City by any order or judgment.

7. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
8. All dwellings shall be designed to include fire sprinklers as required by the California Fire Code.
9. Fire hydrants shall be installed along street frontages to provide fire protection to the area. The hydrants shall meet all City of Merced standards and shall comply with all requirements of the City of Merced Fire Department. Final location of the fire hydrants shall be determined by the Fire Department.
10. The project shall comply with all requirements of the Merced Irrigation District (MID). The developer shall contact and work with MID to ensure all requirements are satisfactorily met.

11. Street names to be approved by City Engineer or designee.
12. The applicant or developer shall dedicate all necessary street right-of-way and easements as needed for irrigation, utilities, drainage, landscaping, and open space during the Final Map stage as required by the City Engineer or designee.
13. The tentative map shows no surface storage of storm water. Storm water must be managed per the City of Merced and State of California Storm Water Quality Laws and Standards. Developer must work with the City of Merced Engineering Department to address this issue.
14. The developer shall construct the eastern portion of Massasso Street pavement to meet City Standards for Collector streets.
15. The developer shall construct Thurman Drive to meet City Standards for a Local Street, including aligning the curb, gutter, and sidewalk to match the existing standards already in place. Two points of access must be available for the subdivision at all times, unless otherwise approved by the City Engineer or designee.
16. At the Final Map and Improvement Plan stage, a temporary turnaround at the north or south end of Thurman Drive shall be installed to support City Fire and Service access if the properties adjacent to the north or south have not extended Thurman Drive. This condition may be waived or altered if the City Fire and Engineering Leadership deems it appropriate to do so.
17. Plans shall meet current codes at the time of building permit application submittal. Building permit applications shall comply with the newest enacted California Building Codes. Plans shall be drawn by a licensed California design professional.

18. At the building permit stage, the site plans for each lot shall include a minimum 3-foot by 6-foot concrete pad located in the side yard or backyard for the storage of 3 refuse containers.
19. Prior to the Final Map stage, the boundary shall be adjusted to eliminate the "Remainder Lot" adjacent to Lot 4.
20. The developer shall use proper dust control procedures during site development in accordance with San Joaquin Valley Air Pollution Control District rules.
21. Each lot shall provide 200 square feet of on-site parking for each unit.
22. All mechanical equipment shall be screened from public view.
23. Each lot within the subdivision shall be provided with one driveway. No residential driveways shall front on any arterial or collector street.
24. The project shall meet all standards required to comply with state and local requirements for connecting to the City's Municipal Storm Sewer System.
25. The applicant shall provide a minimum 36 inches of coverage between the top of the sewer line and the surface of the street, or as otherwise required by the City Engineer or designee.
26. The applicant shall work with the City's Water and Engineering Divisions to provide a plan showing how City water lines would be extended to serve the subdivision. If required, the water service lines may include a redundant water looped system. Details to be reviewed and approved by the City Engineer or designee.
27. All landscaping within the public right-of-way shall comply with state and local requirements for water conservation. All irrigation provided to street trees or other landscaping shall be provided with a drip irrigation

or micro-spray system and shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030).

28. All undeveloped areas shall be maintained free of weeds and debris.
29. Prior to final inspection of any home, all front yards and side yards exposed to public view shall be provided with landscaping to include ground cover, trees, shrubs, and irrigation in accordance with Merced Municipal Code Section 20.36.050. Irrigation for all on-site landscaping shall be provided by a drip system or micro-spray system in accordance with the State's Emergency Regulation for Statewide Urban Water Conservation or any other state or City mandated water regulations dealing with the current drought conditions. All landscaping shall comply with the City's Water Efficient Landscape Ordinance (MMC Section 20.36.030) and any adopted amendments.
30. Sewer manholes shall be installed as required by the Engineering Department (if needed).
31. Traffic control signs, street markings, and striping shall be as directed by the City Engineer or designee.
32. The developer shall install appropriate street name signs and traffic control signs with locations, names, and types approved by the City Engineer or designee.
33. Additional right-of-way improvements, such as road widening beyond the City standard, would not be eligible for Public Facilities Impact Fee reimbursement.
34. Dedication of all necessary easements will be made as shown on Vesting Tentative Subdivision Map #1331 or by Final Map if any changes are required by the City Engineer or designee.

35. The developer shall provide all utility services to each lot, including sanitary sewer, water, electric power, gas, telephone, and cable television. All new utilities are to be undergrounded.
36. Full public improvements shall be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
37. All public improvements shall be provided as required by the City Engineer at the end of Rogina Avenue. All improvements shall meet City Standards.
38. The developer shall provide construction plans and calculations for all landscaping and public maintenance improvements. All such plans shall conform to City standards and meet approval of the City Engineer or designee.
39. Minor modifications to the development standards (as determined by the Director of Development Services), may be reviewed and approved through a Minor Use Permit.
40. Grading and construction activity shall be limited to daylight hours (between 7:00 A.M. and 7 P.M.).

**Findings and Considerations
Planning Commission Resolution #4136
Vesting Tentative Subdivision Map #1331**

FINDINGS/CONSIDERATIONS:

General Plan Compliance and Policies Related to This Application

- A) The proposed project complies with the General Plan designation of Low Density Residential (LD). The proposed project density is about 4.18 units per acre, which is in the mid-range of the General Plan density range of 2 to 6 units per acre.
- B) The proposed Tentative Subdivision Map, with conditions of approval, will help achieve the following General Plan land use policies:
 - L-1.5 Protect existing neighborhoods from incompatible developments.*
 - L-1.6 Continue to pursue quality single-family residential development.*
 - L-1.8 Create livable and identifiable residential neighborhoods.*

Traffic/Circulation

- C) It is anticipated that the project as proposed would generate approximately 134 Average Daily Trips (ADT) based on an average daily rate of 9.57 trips per dwelling unit. Massasso Street is the primary access road to this subdivision with secondary access from Thurman Drive and Rogina Avenue. Single-family driveways will be accessed from the internal streets, except for Lots 11 through 14 (Attachment C).
- D) At the Final Map and Improvement Plan stage, a temporary turnaround at the north or south end of Thurman Drive shall be installed to support City Fire and Service access if the properties adjacent to the north or south have not extended Thurman Drive. This condition may be waived if the City Fire and Engineering Leadership deems it appropriate to do so (Condition #17).

Public Improvements/City Services

- E) The design of the project is in accordance with the needs of public service providers. Improvements and utilities already exist in Massasso Street and Thurman Drive. These services will be extended to serve this subdivision. The lines will be adequately sized and constructed to serve the development. Water Supply for both domestic uses and fire flow protection will be supplied by the

City and will be provided for by existing wells servicing the area. The applicant will be required to meet necessary fire flows and pressures per code with each phase of construction.

- F) Sanitary Sewer collection, treatment, and disposal will be provided by the City. At present, Massasso Street contains a sewer main that can serve the project.
- G) Storm Drainage and Streetscape: Storm drainage collection, retention and discharge shall conform to City Standards and be subject to Engineering Department approval. The project will utilize the existing West Creek storm pump station.
- H) Public Safety Costs: In response to significant growth in Merced without a corresponding increase in the General Fund and other revenues, the City Council adopted public facilities impact fees in 1998 and has directed staff to implement ways of paying operating costs for police and fire services through Community Facilities Districts (Condition #5).

Building Design

- I) The developer has not submitted building designs at this time. The homes shall be required to comply with the City's minimum design standards for single-family homes as required under Merced Municipal Code Section 20.46.020 Design Standards for Single-Family Dwellings and Mobile Homes.

Site Design

- J) Given the site constraints on the south, north and west sides of the development, the design of the project is well integrated into the surrounding neighborhood. The design works well with the surrounding area and integrates the existing dwelling into the design (Attachment B).

The table below shows the mixture of lot sizes in the subdivision.

Number of Lots	Lot Size (S.F)
1	6,979
5	7,285 to 7,378
7	8,516 to 8,903
1	9,826

Landscaping

- K) Each lot within the subdivision shall be provided with front yard landscaping in compliance with Zoning Ordinance Section 20.36 – Landscaping. Section 20.36.050 requires all exterior setback areas, excluding areas required for access to the property to be landscaped (Condition #31).

For any landscaping within public right-of-way, the developer shall be reviewed by the City prior to installation (Condition #29). The landscaping within this area would be maintained by the Community Facilities District (Condition #5).

Neighborhood Impact/Interface

- L) The proposed subdivision would add additional homes to the area, but the use is consistent with the General Plan and Zoning classification. There is a single-family development to the east. There is primarily undeveloped land to the north and south of the subject site, however, both sites are zoned for similar development. In addition, a tentative map (VTSM #1267) was approved for the northern site in 2005. That map has since expired. To the west of the subject site is county residential development along Massasso Street. This development is within the City Sphere of Influence and is designated in the General Plan as Residential Reserve.

Public hearing notices were sent to all property owners within 300 feet of the project site.

Land Use/Density Issues

- M) The proposed subdivision would provide a density of about 4.18 units per acre based on the gross acreage of the site. This density is well within the allowable density for the Low Density Residential General Plan designation that allows between 2 and 6 units per acre.

Environmental Clearance

- N) Planning staff The Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended (see Attachment F).